

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF TENNESSEE

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R.T. WYNNE, beneficiary	*	
Of Life insurance of	*	
JOYCE M. WYNNE, deceased,	*	
	*	
PLAINTIFF,	*	
	*	
VS.	*	NO.
	*	
STONEBRIDGE INSURANCE	*	
COMPANY, INC.,	*	
	*	
DEFENDANT.	*	

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NOTICE OF REMOVAL

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Pursuant to 28 U.S.C. §§ 1441 and 1446, Defendant Stonebridge Insurance Company, Inc., files this Notice of Removal, stating as follows:

1. On November 24, 2008, the Plaintiff R.T. Wynne, a resident of Shelby County, Tennessee, commenced a civil action which is pending in the Circuit Court of Shelby County, Tennessee under the style R.T. Wynne, Beneficiary of Life Insurance of Joyce M. Wynne, Deceased v. Stonebridge Insurance Company, Inc., Docket No. CT-005655-08. Plaintiff's Complaint for Damages for Breach of Contract and Bad Faith Denial alleges that on November 23, 2002, the Plaintiff R.T. Wynne, a resident of Shelby County, Tennessee, was the beneficiary of accidental death

insurance policies, described as 74L4073800, 74L6171304, 74A6938518, and 74AY993014, allegedly issued by Defendant Stonebridge Insurance Company, Inc. on the life of Joyce M. Wynne. (Compl. ¶ 1). (Exhibit 1) Plaintiff R.T. Wynne seeks in his Complaint "judgment against the Defendant [Stonebridge] in the sum of Five Hundred Thousand Dollars, for compensatory and punitive damages for bad faith denial, plus pre judgment and post judgment interest and costs and an award of attorney fees if appropriate". Complaint, Prayer for Relief, ¶ 1, page 2.

2. Although not expressly stated in Plaintiff's Complaint, Plaintiff's counsel of record, Beth Brooks, stated to undersigned counsel, DeWitt Shy, on January 2, 2009, that R.T. Wynne is in fact a resident of Shelby County, Tennessee, and she also stated that Joyce Wynne was a resident of Shelby County, Tennessee at the time of the latter's death on November 23, 2002. See attached Affidavit of DeWitt M. Shy, Jr. Exhibit 2.

3. A copy of the Complaint for Damages for Breach of Contract and Bad Faith Denial and a copy of the Summons served upon Stonebridge Insurance Company, Inc. are attached hereto as Exhibit 1. Exhibit 1 consists of all process and pleadings received by the Defendant, no orders having been served upon the Defendant.

4. Stonebridge Insurance Company, Inc. first received a copy of the Summons and Complaint on December 2, 2008, via personal service on the Tennessee Secretary of State. Exhibit 3 consists of all process and pleadings received by Stonebridge Insurance Company, Inc. From the time of the commencement of this action to the present, Defendant Stonebridge Insurance Company, Inc. has been a corporation organized and existing under the laws of a state other than Tennessee with its principal place of business in a state other than Tennessee.

5. The subject action is a civil action of which this Court has jurisdiction pursuant to the provisions of 28 U.S.C. § 1441 in that (a) the Plaintiff and the Defendant are citizens of different states; (b) the amount in controversy exceeds \$75,000, exclusive of interest and costs; and (c) this action is within the original jurisdiction of the Court pursuant to the provisions of 28 U.S.C. § 1332.

6. Written notice of the filing of this Notice of Removal is being given to the adverse parties, and a Notice of the filing of this Notice of Removal is being filed with the Clerk of the Circuit Court of Shelby County, Tennessee. A copy of the Notice of Filing of Notice of Removal,

excluding the exhibit (this Notice of Removal), is attached hereto as Exhibit 4.

7. By filing this Notice of Removal, the defendant Stonebridge Insurance Company, Inc. does not waive, either expressly or implicitly, its right to assert any defenses which the Defendant could have asserted in the Circuit Court of Shelby County, Tennessee.

WHEREFORE, Defendant Stonebridge Insurance Company, Inc. removes to this Court the above action now pending against it in the Circuit Court of Shelby County, Tennessee.

Respectfully submitted,

BURCH, PORTER & JOHNSON, PLLC

BY: s/DeWitt M. Shy, Jr.  
DeWitt M. Shy, Jr. #5163  
130 North Court Avenue  
Memphis, Tennessee 38103  
(901) 524-5137

Attorney for Stonebridge  
Insurance Company, Inc.

CERTIFICATE OF SERVICE

I hereby certify that I have forwarded a copy of the foregoing to Beth Brooks, Esq., 2299 Union Avenue, Memphis, Tennessee 38104, via U.S. mail, this 2nd day of January, 2009.

s/DeWitt M. Shy, Jr.